UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,553	04/14/2004	Curtis B. Johnson	H0006341-0779	6250

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EXAMINER
LIEU, JULIE BICHNGOC

ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	10/824,553	JOHNSON ET AL.
	Examiner	Art Unit	
	Julie Lieu	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 09 March 2006.

2a) ☒ This action is FINAL.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-19 and 21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1,5,6,8,10,13,15 and 17-19* is/are rejected.

7) ☒ Claim(s) *2-4,7,9,11,12,14,16 and 21* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office action is in response to Applicant's amendment filed March 09, 2006.

Claims 1, 2, 4, 6, 7, 9, 11, 12, 13 16, 18, and 19 have been amended. Claim 20 has been

canceled. New claim 21 has been added.

2.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

Claim Rejections - 35 USC § 103

3.   Claims 1, 5, 6, 8, 13,15, and 17-19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Syed et al. (US Patent No. 2005/0035848 A1).

<u>Claim 6:</u>

Referring to front-page figure Syed disclose latch system, comprising:

a.   Diagnostic data associated with a latch (status data), wherein the diagnostic data

comprises operational and/or functional information for debugging the latch and wherein

the diagnostic data is generated in response to automatically analyzing the latch;

b.   a graphical user interface 320 for graphically displaying the data within a display

area thereof, and

c.   a communications link (fig. 2) between said graphical user interface 320 and the

latch over which latch operational and functionality feedback information (open or close

command) is communicated to the latch, in response to user input provided to the

graphical user interface.

See also page 2, [0037].

The system in Syed is used for monitoring and operating embedded transceiver

lock/latch. However, one skilled in the art would have readily recognized that the system could

also be used for diagnostic purposes as desired because the function of the system, e.g. lock

status and control function such as open or close command, would not thereby be modified.

Claim 8:

The latch in Syed's system is inherently automatically analyzed during latch operations

thereof.

Claim 10:

The functionality and operation of the latch in Syed's system are automatically modified,

in response to communicating latch operational and functionality feedback information to the

latch over the communications link (i.e. the lock open or closed upon input from the operator at

the operator interface terminal).

Claim 1

The rejection of claim 1 recites the rejection of claim 6-8, respectively, except they are

method claims.

Claim 5:

The method in Syed's automatically modifies functionality and an operation of the latch,

in response to communicating latch operational and functionality feedback information to the

latch. That is, the function and operation of the latch is remotely controlled by the operator input at the monitoring station.

Claim 13:

Though a program is not clearly shown in Syed, it is inherent that a program product residing in a memory of a data-processing system for diagnosing/operating a latch is included in the system, which comprises:

a.   instruction means residing in a data-processing system for generating diagnostic data associated with a Latch, in response to automatically analyzing said latch,

b.   instruction means residing in a data-processing system for providing a graphical user interface for graphically displaying said diagnostic data within a display area thereof, and

c.   instruction means residing in a data-processing system for communicating latch operational and functionality feedback information from the graphical user interface to the latch in response to user input provided through said graphical user interface.

The system in Syed is used for monitoring and operating embedded transceiver lock/latch. However, one skilled in the art would have readily recognized that the system could also be used for diagnostic purposes as desired because the function of the system, e.g. lock status and control function such as open or close command, would not thereby be modified.

Claim 15:

The latch in Syed's system is automatically analyzed during latch operations thereof.

Claim 17:

The instruction means in the Syed system resides in a data-processing system for automatically modifying functionality and an operation of the latch, in response to communicating latch operational and functionality feedback information to the latch over the communications link.

Claim 18:

The instruction means in Syed's system inherently further comprises instruction means residing in a data-processing system for initiating a latch debugging operation in response to activating the graphical user interface and for communicating the latch debugging operation between the graphical user interface and the latch.

Claim 19:

The instructions means in the Syed system further comprises a bearing media.

Allowable Subject Matter

4.   Claims 2-4, 7, 9, 11, 12, 14, 16, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's Arguments

5.   The Applicant has presented the following arguments:

"Contrary to the Examiner's assessment, the Applicant submits that it would not have

been obvious to one of ordinary skill In the art to modify Syed to provide the system as claim 6.

Syed is directed to a network directed embedded transceiver lock (ETL) system and method

which is connected to a service gateway controller over a telecom infrastructure. The system of

Syed does not disclose a diagnostic system comprising diagnostic data associated with a latch

which diagnostic data is generated in response to automatically analyzing the latch, as claimed in

claim 6. Also, Syed does not disclose a graphical user interface for graphically displaying the

diagnostic data within a display area thereof as claimed."

"Nevertheless, in order further to distinguish claim 6 In view of the cited prior al, claim

6 has been amended to limit the diagnostic data to diagnostic data which comprises latch

operational and/or functional information for debugging of the latch and to clarify that the a

graphical user Interface graphically displays the diagnostic data within a display area thereof for

permitting a user to initiate particular latch operational and debugging functionality.

Response to Applicant's Arguments

6.   Applicant's arguments filed March 09, 2006 have been fully considered but they are not

persuasive.

Response to argument 1:

    It is submitted that Syed implicitly suggests performing diagnosis by using the latch

status data as diagnostic data because one could look at the different lock status indications

shown on the GUI 320 to realize what is going on with the latch. Whether the system in Syed is

directed to a network directed embedded transceiver lock or not is irrelevant because the system

in Syed does have a GUI 320 at the subscriber's end so that a user can operate and look at status

data of the latch to perform diagnosis. Thus, for this reason, the applicant's argument is that the

Syed system does not provide diagnostic data and does not include a graphical user interface is

not deemed persuasive.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Julie Lieu
Primary Examiner
Art Unit 2636

May 25, 06